

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et al.,

Defendants.

Civil No. 2:22-cv-00293-JRG  
(Lead Case)

**JURY TRIAL DEMANDED**

**PUBLIC VERSION**

**DECLARATION OF AMY R. LUCAS IN SUPPORT OF SAMSUNG'S MOTION FOR  
LIMITED RELIEF FROM PROTECTIVE ORDER**

**I, Amy R. Lucas, declare as follows:**

1. I am a partner at O'Melveny & Myers LLP, counsel of record for Defendant Samsung Electronics Co., Ltd. ("Samsung") in *Netlist Inc. v. Samsung Electronics Co., Ltd.* in the Central District of California action, Case No. 8:20-cv-00993 (the "CDCA case") and this action. I make this declaration in support of Samsung's Motion for Limited Relief from Protective Order. Except for those matters stated on information and belief, I make this declaration based upon personal knowledge and, if called upon to do so, I could and would so testify.

**I. Documents from CDCA Case**

2. Attached hereto as **Exhibit 1** is a true and correct excerpted copy of the "Reporter's Transcript of Jury Trial – Volume I" from the trial proceedings in the CDCA case on Tuesday, May 14, 2024.

3. Attached hereto as **Exhibit 2** is a true and correct excerpted copy of the "Reporter's Transcript of Jury Trial – Volume II" from the CDCA case on Wednesday, May 15, 2024.

4. Attached hereto as **Exhibit 3** is a true and correct excerpted copy of the "Reporter's Transcript of Jury Trial – Volume III" from the trial proceedings in the CDCA case on Thursday, May 16, 2024.

5. Attached hereto as **Exhibit 4** is a true and correct excerpted copy of the "Reporter's Transcript of Jury Trial – Volume IV" from the trial proceedings in the CDCA case on Friday, May 17, 2024.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the document stamped "IX0013" that Netlist's counsel attempted to introduce into evidence during the trial proceedings in the CDCA case on Wednesday, May 15, 2024.

7. Attached hereto as **Exhibit 6** is a true and correct copy of Dkt. 543 in the CDCA case, which is Netlist Inc.'s Response to Information Request Regarding Document Production, filed in the CDCA action on May 16, 2024 in response to Judge Scarsi's order during trial.

8. Attached hereto as **Exhibit 7** is a true and correct copy of CDCA Trial Exhibit 519A, introduced by Samsung in the CDCA case on Thursday, May 16, 2024.

9. Attached hereto as **Exhibit 8** is a true and correct excerpted copy of the transcript from the Informal Discovery Conference held in the CDCA action before Magistrate Judge Douglas F. McCormick on July 13, 2021.

10. Attached hereto as **Exhibit 9** is a true and correct excerpted copy of the transcript from the Informal Discovery Conference held in the CDCA action before Magistrate Judge Autumn D. Spaeth on July 27, 2021.

**II. Documents Produced In This Action But Withheld from CDCA**

11. Irell & Manella LLP has been counsel of record in the CDCA action since July 15, 2021, a month before CDCA discovery closed on August 16, 2021. *See* CDCA Dkt. 74. Although O'Melveny was not counsel of record in CDCA until October 2021, *see* CDCA Dkt. 195, the CDCA discovery record shows that prior to July 15, 2021, Netlist had made one document production in CDCA consisting of some 85 documents. After July 15, 2021, Netlist made twelve document productions in CDCA consisting of over 39,000 documents. I have reviewed Netlist's document production transmittal emails in the discovery file, and confirmed that Mr. Sheasby was included on every one of Netlist's twelve additional document production transmittal emails.

12. In response to Judge Scarsi's question during the CDCA trial whether Netlist had excluded from production internal communications, Netlist's lead trial counsel, Jason Sheasby (also lead trial counsel in this action), represented to the CDCA Court that Netlist had produced in CDCA discovery not just internal communications, but had produced every single non-privileged document that hit on "Samsung" or "JDLA." *See* Ex. 3 at 591:19-593:6.

13. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14. [REDACTED]

[REDACTED]

[REDACTED]

15. [REDACTED]

[REDACTED]

16. Attached hereto as **Exhibit 10** and **Exhibit 14** are true and correct copies of email correspondence between counsel for the parties in this action exchanged on June 8, 2024 and June 21, 2024, respectively, in which counsel for Samsung disclosed to counsel for Netlist the Bates ranges for the withheld documents for which Samsung now seeks relief from the protective order.

17. [REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

19. [REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 25, 2024, in Los Angeles, California.

/s/ Amy R. Lucas

Amy R. Lucas